



City of Santa Barbara

CDBG

Community Development Block Grant

Davis-Bacon Act Manual

March 2012

City of Santa Barbara

Community Development Block Grant Davis-Bacon Act Manual

Community Development Department - Housing and Redevelopment Division

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Santa Barbara, CA 93101
Located between Ortega and Cota Streets
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Community Development Programs
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Please visit the Community Development Programs website
<http://www.Santabarbaraca.gov/Resident/Health/CDBG/>

Davis Bacon Act Prevailing Wage Instructions

Introduction

Construction work that is financed in whole or in part with federal Community Development Block Grant (CDBG) funds must adhere to certain federal labor standards requirements, primarily the Davis-Bacon Act. This manual describes the policies and procedures set forth by the City of Santa Barbara and must be followed when undertaking construction projects with CDBG funds to ensure compliance with federal labor laws and requirements.

For full information on Davis-Bacon Compliance see *"Making Davis-Bacon Work: A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects"* (Davis Bacon Manual). The guide is available on the Web at: <http://www.hud.gov/offices/adm/hudclips/guidebooks/HUD-LR-4812/4812-LR.pdf>

Applicable Labor Laws and Requirements

The labor laws that may apply to CDBG-funded construction work include the following:

- **Davis/Bacon Prevailing Wages** - The Davis-Bacon Act (40 USC, Chapter 3, Section 276a-276a-5; and 29 CFR Parts 1, 3, 5, 6 and 7) is triggered when any construction work over \$2,000 is financed in whole or in part with CDBG funds. It requires that workers on a CDBG-funded project receive no less than the prevailing wages being paid for similar work in the same area.
- The **Copeland Anti-Kickback Act** (40 USC, Chapter 3, Section 276c and 18 USC, Part 1, Chapter 41, Section 874; and 29 CFR Part 3) requires that workers be paid weekly, that deductions from workers' pay be permissible, and that contractors maintain and submit weekly payrolls.
- The **Contract Work Hours and Safety Standards Act** (40 USC, Chapter 5, Sections 326-332; and 29 CFR Part 4, 5, 6 and 8; 29 CFR Part 70 to 240) applies to contracts over \$100,000 and requires that workers receive overtime compensation (time and one-half pay) for hours they have worked in excess of 40 hours in one week. Violations under this Act carry a liquidated damages penalty (\$10 per day per violation).
 - **The Davis Bacon Act requires that workers receive overtime compensation for hours they have worked in excess of 40 hours in one week, regardless of contract amount.**
- **Equal Employment Opportunity** - Contracts over \$10,000 are subject to Executive Order 11246 which prohibits employment discrimination by Federal contractors and subcontractors and federally-assisted construction contractors and subcontractors.
 - Contractors with 50 or more employees and contracts over \$50,000 require the submission of a SF-100 form (EEO-1).

Preconstruction

Prior to construction City Community Development Department (CDD) staff will provide the following forms, which must be completed by the general contractor and any subcontractor(s), and returned to CDD staff.

Exhibit A - CERTIFICATION OF UNDERSTANDING AND AUTHORIZATION

This form authorizes a contractor/subcontractor's payroll officer to sign the Certified Payrolls which will be submitted to the City for the duration of the project.

Exhibit B - CERTIFICATION FOR APPLICABLE FRINGE BENEFIT PAYMENTS

Use this form to list any **bona-fide** Fringe Benefits paid by the employer, if any. Fringe Benefit amounts must be listed in an hourly rate, see side bar for guidance.

A bona-fide plan is one that is in compliance with IRS and Department of Labor regulations. Bona-fide plans may include company contributions to retirement accounts (401(k) or pension), medical, vision, dental, and life insurance. Check with your state Department of Labor to see if they qualify as bona-fide fringe benefit contributions under prevailing wage laws. Fringe benefits do not include employer payments or contributions required by other Federal, State or local laws, such as the employer's contribution to Social Security or some disability insurance payments.

Additionally, a bona-fide plan must meet the following stipulations:

1. Fringe benefit contributions must be made to a third-party trust or plan;
2. Contributions must be made regularly, not less often than quarterly, usually on a monthly basis.

If employer does not provide Fringe Benefits on behalf of the employee then you must check the box at the bottom of the page.

Exhibit C – PROJECT WAGE RATE SHEET

This is a condensed version of the Wage Determination. Use this sheet to list the applicable Wage and Fringe Benefit amounts for each job classification that will be used on this project. This sheet must be posted on the job site so that it is visible to all the workers, a separate copy must be provided to CDD staff.

A word of caution, before you say "oh I offer every employee 2 weeks paid vacation a year" check with your local Department of Labor to make sure that they consider that to be part of a bona-fide plan!

How would I determine the hourly rate for a company paid health insurance benefit if I am a non-union shop?

We'll provide two possible scenarios for calculating an hourly health insurance benefit and remember – you can ONLY take credit for the amount the company actually pays and not any contribution made by the employee. Because the total health insurance premium could vary by employee you will need to make the following calculations for each individual employee.

Example 1: Jackson, who is a Laborer Group 1, has a health insurance premium of \$300 per month and the company pays the entire premium.

$\$300 \text{ per month} \times 12 \text{ months} = \$3,600 \text{ per year annual premium}$

$\$3,600 \text{ annual premium divided by } 2080 \text{ hours} = \$1.73 \text{ per hour health Insurance contribution.}$

Example 2: Jackson, who is a Laborer Group 1, has a health insurance premium of \$300 per month, the company pays 80% and Joe pays 20%.

$\$300 \text{ per month} \times 12 \text{ months} = \$3,600 \text{ per year annual premium}$

$\$3,600 \text{ annual premium} \times 80\% = \$2,800 \text{ annual company contribution}$

$\$2,800 \text{ divided by } 2080 \text{ hours} = \$1.35 \text{ per hour health insurance contribution.}$

Written by Nancy Smith, Sunburst Software Solutions, Inc.

Exhibit D - MINORITY BUSINESS CONTRACT AND SUBCONTRACT ACTIVITY

This form is required to obtain information that the City has to provide to the Department of Housing and Urban Development (HUD).

Exhibit E – LIST OF SUBCONTRACTORS

Form is to be filled out by general contractor; it is the GENERAL CONTRACTOR'S RESPONSIBILITY to ensure all subcontractors are paying the correct wages.

All exhibits must be filled out completely and the originals returned to:

LINDA DUNN
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990
630 Garden Street

A list of all workers assigned to this project, including subcontractor's employees, must be provided, including their name, job classification, address and social security number. This information will be kept confidential and is intended to provide City staff access to the employee should any wage restitutions be due to them, or to conduct surveys to ensure the proper wages are being paid.

You will not be authorized to begin construction until these forms are submitted to the City and are reviewed and approved by CDD staff.

CDD will also provide "Notice to Employees" signs in English and Spanish. They are to be posted on the job site, along with a copy of the Wage Rate Sheet (Exhibit E) in a location visible to all workers so that employees know what they are supposed to be earning on this project.

Paying Prevailing Wage

How to Pay Prevailing Wage

Wage Determination Requires:

- Base Rate (BR) \$10.00
- Fringe Benefit (FB) \$1.00
- Total Prevailing Wage: \$11.00

Can be satisfied in the following methods:

- ✓ \$11.00 in cash wages
- ✓ \$10.00 cash wages, PLUS \$1.00 in pension contribution or other "bona-fide" FB
- ✓ \$9.00 cash wage, PLUS \$2.00 in pension contribution or other "bona-fide" FB

Wages paid in excess of Base Rate may be used as an offset or credit to satisfy Fringe Benefit, i.e.:

- ✓ \$10.50 in cash wages, PLUS \$.50 in Fringe Benefits

Wages must be paid according to the Wage Determination provided in contract/bid packet. State of California Department of Industrial Relations (DIR) Prevailing Wages do not apply to these projects unless told otherwise by CDD staff. Wages paid must be, at minimum, the sum of the listed Base Rate and Fringe Benefit. Wages are reported on Certified Payrolls, which will be detailed below.

Wages apply to all laborers and mechanics on the CDBG-funded job site, including subcontractors and sole proprietors (see owner/operators guidance below). Working foremen who spend more than 20% of their time performing mechanic or laborer duties are also due Prevailing Wages.

The use of helpers is not allowed on Davis-Bacon projects. The use of apprentices is allowed but they must be in an approved program, further guidance is below.

Wages do not apply to workers whose duties are primarily administrative, executive or clerical.

The site of work is defined as the physical place or places where the CDBG-funded construction work will occur, and any other site established specifically for the performance of the CDBG-funded project (including manufacturing

sites).

Overtime pay

An employee who performs work on both federally funded projects and commercial work in the same workweek must receive overtime pay for hours worked in excess of 40 hours during that week. The overtime rate is 1.5 times the Base Rate plus the Fringe Benefit Rate at the standard rate, per hour.

Owner/Operators

HUD guidance on self-employed laborers or mechanics, i.e. owner/operators, is detailed on HUD letter LR-96-01, see appendix.

In sum, the following applies to owner/operators:

- Owners working with a crew (a crew is at least one other person who is not a partner or part owner) only must report their name, work classification including the title "owner" and daily total hours worked on the Certified Payroll. They do not need to report their hourly rate or wages earned, and can certify their payrolls. This exception does not mean that owner/operators are not entitled to Prevailing Wage.
- Owners working without a crew (and without a partner or part owner) must report their name, work classification including the title "owner", daily total hours worked, hourly rate of pay and wage payment. They cannot self-certify their payrolls, and instead their payrolls must be certified by the "responsible employer". For a subcontractor a responsible employer will be the general contractor. If there is only a general contractor (which is owner w/o crew), then the contracting agency is the responsible employer. Owner/operators do not need to report deductions.

Apprentices

The use of apprentices on Davis-Bacon projects is allowed. Apprentices are permitted to earn less than the Prevailing Wage rate when they are employed and individually registered in a bona-fide apprenticeship program registered with the U.S. Department of Labor Office of Apprenticeship's *Federally Registered Program Sponsors*.

Contractors wishing to use apprentices on a Davis-Bacon project are required to submit to CDD staff a Certification Letter issued by the apprentice's sponsor, the apprentice's payscale and allowable ratio of apprentices to journeymen.

Computer printouts from the California Department of Industrial Relations Division of Apprenticeship Standards are no longer acceptable forms of Certification Letters.

The DOL lists recognized apprenticeship program sponsors, which can be found at <http://oa.doleta.gov/>.

For further guidance on apprentices see the Davis Bacon Manual, chapter 2 page 5.

Certified Payrolls

Wages paid to employees are reported on a Certified Payroll form WH-347. A sample Certified Payroll form is provided, see appendix.

The use of form WH-347 is mandatory, no substitutes may be submitted. A Certified Payroll must be completed for each week worked, even if workers are paid bi-weekly. The week ending day shall be the same day every week.

Each payroll form must be completely filled out front and back. The first payroll for this project shall be labeled "initial" under the "Payroll No." box, including those submitted by subcontractors, and

each subsequent payroll shall be numbered. The last payroll shall be labeled "final". On weeks where no work is performed a weekly "No Work" statement for that time period shall be submitted.

On each payroll the number of withholding exemptions and all deductions shall be reported. Two blank column headings are provided on the payroll form for any deductions that are not FICA or Tax Withholdings. Any deductions listed under the "Other" column must be identified in writing.

Loans and garnishments can be deducted if a signed employee-authorization letter stating the amount to be withheld, term, and, if applicable, balance due, is submitted to CDD staff prior to submittal of the initial payroll.

Statement of Compliance

Page two of the Certified Payroll is the statement of compliance. It must be filled out completely in order to be accepted. The dates listed must correspond with the dates on page one of the form. The form must be signed by the authorized representatives listed on Exhibit A.

The payrolls must be submitted on a regular basis to Linda Dunn at the address listed above. **ONLY ORIGINAL CERTIFIED PAYROLLS WILL BE ACCEPTED.** The general contractor is responsible for ensuring that all subcontractors have filled out the payroll form correctly and that the proper wages are being paid.

Staff will review the payrolls to ensure completeness and that the proper wages are being paid. CDD will NOT authorize payment to a contractor if payrolls have not been submitted or if any errors are not corrected.

Underpayment

If CDD staff determines that the proper wages have not been paid by any of the contractors, including subs, the general contractor will be notified in writing. Thirty (30) days will be allowed to correct underpayments and make restitutions.

A correction payroll shall be submitted and will contain the following:

- Reflect the period of time for which restitution is due;
- List each employee, and work classification, to whom restitution is paid;
- Total number of work hours that were underpaid;
- The adjustment wage rate (the Prevailing Wage rate minus the amount already paid);
- Gross amount of restitution due, deductions and net pay;
- Each underpaid employee's signature; and
- Signed Statement of Compliance.

10% retention will be held from the contract amount to ensure all paperwork is received and wages are paid properly. The retention is released 35 days after notice of completion is filed.

The City of Santa Barbara reserves the right to withhold payment of funds beyond 35 days to contractors who fail to comply with all federal, state, and local regulations pertaining to federally funded construction projects.

Restitution payments can be made from the contract if employer refuses to pay the restitution amount. CDD staff will report non-compliant contractors to the HUD Office of Labor Relations. Refusal to make wage restitutions, falsified certified payrolls, payment of kickback wages are grounds for debarment by the U.S. Department of Labor.

1. Owner/Operator Guidance
2. Sample Certified Payroll

This page is located on the U.S. Department of Housing and Urban Development's Homes and Communities Web site at http://www.hud.gov/offices/olr/olr_9601.cfm.



Labor Standards Compliance Requirements

Date: December 2, 1996

(Rev 1) Letter No. LR-96-01

Subject: Labor standards compliance requirements for self-employed laborers and mechanics (aka *Working Subcontractors*)

- I. HUD policy on prevailing wage applicability.**
- II. Compliance and certification parameters.**
- III. Owners of businesses working with their crews.**
- IV. Owner-Operators of power equipment.**
- V. Truck drivers.**

The Federal prevailing wage requirements and compliance standards for self-employed laborers and mechanics (also referred to as "working subcontractors") have long been a confusing and contentious area for the Department of Labor (DOL), HUD, the Internal Revenue Service and contractors and subcontractors.

The following policy represents an effort to provide practical guidance for field application. The guidance more specifically concerns the wage certification requirements for self-employed mechanics and laborers on projects subject to Federal labor standards provisions including Davis-Bacon and HUD-determined maintenance and nonroutine maintenance prevailing wage rate determinations. This policy does not attempt to establish whether working subcontractors are subject to Federal labor standards nor whether such working subcontractors are *bona fide*. The clear meaning of statutory provisions and regulatory definitions does not require further examination of applicability. Additionally, statutory and regulatory language are clear that the question of whether certain self-employed laborers and mechanics are bona fide subcontractors is not germane to the issue of prevailing wage standard applicability.

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I. HUD policy on prevailing wage applicability.

The Davis-Bacon Act (DBA), HUD program Related Acts (DBRA) concerning the payment of prevailing wages as determined by the Secretary of Labor, and the U.S. Housing Act of 1937 concerning the payment of prevailing wage rates established by HUD provide that the wage protections afforded in these statutes apply to laborers and mechanics employed on the covered work. The DBA and DBRA implementing regulations (29 CFR Part 5) specifically stipulate that these

protections are provided **regardless of any contractual relationship which may be alleged to exist** between the contractor and such laborers and mechanics. Additionally, all laborers and mechanics must be paid unconditionally and not less often than once per week. HUD has followed DBA/DBRA prevailing wage parameters in its implementation, administration and enforcement of HUD-determined maintenance and nonroutine maintenance prevailing wage standards. (NOTE: The requirement to pay weekly wages is not applicable to the payment of prevailing routine maintenance wage rates related to laborers and mechanics engaged in the operation of PHA and IHA housing developments.)

Therefore, it is HUD policy that in all cases where laborers and mechanics are employed on Federal prevailing wage-covered construction, maintenance and nonroutine maintenance work, laborers and mechanics shall be entitled to compensation (in the case of Davis-Bacon wages, *weekly* compensation) at wage rates not less than the prevailing rate for the type of work they perform **regardless of any contractual relationship alleged to exist between a contractor or subcontractor and such laborers or mechanics.**

The above policy statement is not a departure from previous HUD directives. The guidance presented below establishes uniform HUD-assisted program contract administration and enforcement parameters for labor standards compliance and prevailing wage certification.

II. Compliance and certification parameters.

HUD policy clearly affords prevailing wage protection for all laborers and mechanics, regardless of contractual relationship. There is no exception to this protection for self-employed laborers or mechanics, including owners of businesses, sole-proprietors, partners, corporate officers, or others. This policy in no way precludes or limits any business or individual from participating in HUD-assisted construction, maintenance, or nonroutine maintenance work. The

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issue is not one of *eligibility*, whether such persons are permitted to work on HUD-assisted projects, but of compliance standards - what HUD will accept from contractors and subcontractors to demonstrate that proper compliance has been achieved.

In this context, this Letter establishes a HUD administrative policy that laborers and mechanics may not certify to the payment of their **own** prevailing wages **EXCEPT** where the laborer or mechanic is the owner of a business working on the site of the work with his/her own crew. (This exception is described in detail in Paragraph III. Owner-operators of power equipment are discussed in Paragraph IV; Truck drivers are discussed in Paragraph V.)

The most frequent occurrence of self-employed workers on HUD-assisted projects involves mechanic/trade classifications (i.e., not laborer classifications). (For ease of reference, laborers and mechanics in this context are referred to as "mechanics" and include any case involving laborers.) These mechanics may be represented as sole-proprietors, self-employed mechanics, partners, or corporate officers - all with no direct employees engaged in the covered work.

Accordingly, HUD, and program participants responsible for labor standards

administration and enforcement (e.g., PHAs, IHAs, CDBG recipients), may not accept certified payrolls reporting single or multiple owners (e.g., partners) certifying that they have paid to themselves the prevailing wage for their craft. For example, a sole-proprietor may not submit a payroll reporting himself or herself as simply "Owner" signing the certification as to his/her own wage payment from "draws" or other payment methods. Neither may several mechanics submit a payroll reporting themselves as "partners" with one or more certifying as to the payment of their wages or salaries. Such mechanics must instead be carried on the certified payroll of the contractor or subcontractor (the "responsible employer") for whom they are working and with whom they have executed a "contract" for services.

In these cases, maintenance of an accurate accounting of weekly work hours including any overtime hours for such mechanics is essential. Whatever method of compensation computation is utilized (piecework, weekly contract draw for performance), the amount of weekly compensation divided by the actual hours of work performed for that week must result in an "effective" hourly wage rate for that week that is not less than the prevailing hourly rate for the type of work involved. This computation must take into account overtime pay rates (i.e., one and one half) for all hours worked in excess of 40 hours per

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week, pursuant to the Contract Work Hours and Safety Standards Act (CWHSSA), where applicable, and pursuant to the Fair Labor Standards Act where CWHSSA is not applicable.

The name, work classification, actual hours of work, effective hourly wage rate, and wage payment for each such mechanic must be reported and certified on the responsible employer's weekly payroll. Note that the effective hourly wage rate for such mechanics may fluctuate from week to week. However, the effective hourly wage rate **may not** be less than the minimum prevailing rate for the respective craft. In any case where the effective rate falls below the corresponding craft prevailing wage rate, the responsible employer must compensate the mechanic at no less than the prevailing rate on the wage determination for that craft.

III. *Owners of businesses working with their crew.*

Owners of businesses working with their crew on the same HUD-assisted job site may certify to the payment of their own prevailing wages in conjunction with the prevailing wages paid to their employees. This exception to reporting standards *does not* suggest that such owners are not likewise entitled to prevailing wages for their labor. Rather, it accepts the wage payment certification on weekly payroll reports by the owner for his/her own wages as that certification *accompanies* the certification offered for the payment of prevailing wages to his/her employees. Such owners need only list their name, work classification including "owner," and the daily and total hours worked. (Such owners *do not* need to list a rate of pay or amounts earned.)

IV. *Owner-operators of power equipment.*

Frequently, *owner-operators of power equipment* (e.g., backhoes, front-end loaders) will contract for services at a rate for both "man and machine." In these cases, the owner-operator includes liability, equipment maintenance, and salary in

an hourly or contract rate for services. Because of the prevalence of such practice and the inherent difficulty in ascribing costs for liability and maintenance costs versus hourly *labor* salary, HUD and its program clients may accept a combined ("man and machine") hourly rate on the responsible contractor's certified payroll provided that such hourly rate may not be less than the rate on the wage determination for the respective power equipment operator.

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Note: Owner-operators of power equipment, like self-employed mechanics, may not submit their own payrolls certifying to the payment of their own wages BUT must be carried on the responsible contractor's certified payroll report.

V. Truck drivers.

As outlined earlier in this Letter, a DOL administrative policy excludes *bona fide owner-operators of trucks who are independent contractors* from DBRA/CWHSSA provisions concerning their own hours of work and rate(s) of pay. These truck "owner-operators" must be reported on weekly payrolls *but* the payrolls do not need to show the hours worked or rates - only the notation "Owner-operator."

Note that any laborers or mechanics, including truck drivers, employed by the owner-operator/independent contractor are subject to DBRA/CWHSSA provisions in the usual manner.

This policy **does not** pertain to owner-operators of other equipment such as backhoes, bulldozers, cranes and scrapers (i.e., power equipment as noted in paragraph IV, above).

These compliance standards shall take effect immediately. Any exceptions to these standards must be approved in advance in writing by HUD Headquarters Office of Labor Relations.

Any questions concerning this *Letter* may be directed to the Office of Labor Relations at (202)708-0370 or, in the case of HUD program participants, to the HUD Field Labor Relations Staff with jurisdiction for your area.

Visit the Office of Labor Relations on the World Wide Web HUD Home Page

Return to OLR letters

Content updated March 11, 2003

U.S. Department of Housing and Urban Development
451 7th Street, S.W., Washington, DC 20410
Telephone: (202) 708-1112 [Find the address of a HUD office near you](#)

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



Rev. Dec. 2008

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input checked="" type="checkbox"/> Davis Construction	ADDRESS 123 Main Street Santa Barbara, CA 93101	OMB No.: 1215-0149 Expires: 12/31/2011
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PAYROLL NO. 3 Payrolls must be numbered. Write "Final" on the last payroll	FOR WEEK ENDING 5/7/2010 Indicate week ending date	PROJECT AND LOCATION Ortega Park, 640 N. Salsipuedes Street	PROJECT OR CONTRACT NO. 1234
--	--	---	--

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) Enter days/dates of pay period WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
			S	S	M	T	W	T	F				FICA	WITH-HOLDING TAX			OTHER	TOTAL DEDUCTIONS	
			5/1	5/2	5/3	5/4	5/5	5/6	5/7										
Lee Smith (4321) 5678 Orange Avenue Goleta, CA 93116 Address and SSN (last four digits) are required	2	Cement Mason List classification of work actually performed										1,068.08 	81.71	66.00	12.46	11.75		171.92	896.17
					8.0	8.0	6.0	4.0		26.0	\$41.08 	Amount earned on this project				Indicate deductions from total weekly gross wages			Indicate total weekly gross wages
Charles Jones (5678) 1235 Main Street Santa Barbara, CA 93105	4	Carpenter										1,185.00 	218.00	54.36	100.16	68.16		440.68	1,239.32
					6.0	8.0	8.0	8.0		30.0	\$39.50	1,680.00 							
												Amount earned on ALL projects this week							

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

This section must be fully completed,
including dates of the payroll period

Date 05/07/2010

I, John Davis Bookkeeper
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____ ; that during the payroll period commencing on the
(Building or Work)
1 day of _____, 2010, and ending the 7 day of _____, 2010,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)


weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

 ☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

Indicate type of
benefit payment.
Option (a) or (b)

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH



☒ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

Signature must be an
original "wet" signature
— no copies —



NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.